

REMARKS

Claims 1-20 are pending in the application. Claims 1, 10, and 18 are independent claims. Claims have been rejected under 35 U.S.C. 102(e) and under 35 U.S.C. 103(a). Those rejections are respectfully traversed and reconsideration is requested.

Claims 19 and 20 are new claims. Support for the new claims can be found in the Applicant's specification on at least page 4, line 29 – page 5, line 5.

Specification

At the request of the examiner, the title of the present application has been amended to be more descriptive. Also, the written description has been amended to correct an apparent error.

Rejections under 35 U.S.C. 102(e)

Claims 1-5, 7-13, and 15-18 have been rejected under 35 U.S.C. 102(e) as being anticipated by Agrawal (U.S. 2003/0081546).

Before discussing the cited references, however, a brief review of the Applicants' disclosure may be helpful without limiting the claims. The Applicants' disclosure is directed to a method and system for adding cross connect capacity to a network using a plurality of transport switches, and without using tandem ties between the transport switches. Referring to Fig. 2, a given hub 115 includes local switches 220 that handle traffic, and at least two transport switches 210-1, 210-2. One transport switch 210-1 performs inbound grooming (i.e., separating high-speed traffic streams into comparable lower speed traffic streams) for the local switches 220, and the other transport switch 210-2 performs outbound grooming (i.e., packing the lower speed traffic streams into higher speed traffic streams) for the local switches 220. (See Applicants' Specification, page 4, line 26 – page 5, line 5.)

Turning to the cited reference, Agrawal discusses a class-based queuing architecture. Included in Agrawal are shapers/policers that limit the bandwidth of traffic that is output from the shapers/policers by delaying or dropping packets (see Agrawal, paragraph [0039]).

Regarding independent Claim 1, Agrawal does not teach or suggest "*grooming inbound traffic at a first transport switch for at least one local switch; and grooming outbound traffic at a*

second transport switch for the at least one local switch” as claimed in independent Claim 1.

The Office Action cites Fig. 2 of Agrawal, elements 136 and 152, as disclosing the groomers of Claim 1; however, elements 136 and 152 are processors that perform Random Early Discard (RED) and aggregate RED (ARED) algorithms used for shaping and policing traffic, not for grooming traffic.

As is known in the art, traffic grooming and traffic shaping are not equivalent. Traffic grooming is the process of packing a number of lower-speed traffic streams into a higher-speed traffic stream. The higher-speed traffic stream may also be re-groomed for transport at the lower-speed traffic’s native level (*see Applicants’ Specification*, page 3, lines 7-10, and page 3, line 28 – page 4, line 7).

Traffic shaping is the control the volume and rate of traffic sent in a network, and is achieved by delaying packets in a buffer. Traffic policing is related to traffic shaping, and is the dropping of packets when the buffer becomes full. Traffic policing may involve implementing a dropping algorithm such as a Random Early Discard (RED) algorithm or aggregate RED (ARED) algorithm. (*See Agrawal*, paragraphs [0022, 0039, and 0078].)

Therefore, Agrawal does not disclose grooming traffic at first and second transport switches and, thus, does not anticipate or make obvious independent Claim 1.

Independent Claims 10 and 18 are similar to Claim 1 and should be found in allowable condition for the same reasons as discussed above for independent Claim 1.

Dependent Claims 2-5, 7-9, 11-12, and 15-17 are directly or indirectly dependent on independent Claims 1 or 10 and, thus, are novel over the cited art for at least the same reasons as discussed above for independent Claims 1 and 10.

Furthermore, dependent Claims 2-5, 7-9, 11-12, and 15-17 recite further limitations that are neither taught nor suggested by the cited art. For example, Agrawal does not disclose *“wideband crossconnect switches, narrowband crossconnect switches, or broadband crossconnect switches”* as claimed in Claims 7 and 15.

New Claims 19 and 20 are directly dependent on independent Claims 1 or 10 and, thus, are novel over the cited art for at least the same reasons as discussed above for independent Claims 1 and 10.

As such, the 35 U.S.C. 102(e) rejections of Claims 1-5, 7-13, and 15-18 are believed to be overcome. Withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. 103(a)

Claims 6 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal.

Dependent Claims 6 and 14 are directly or indirectly dependent on independent Claims 1 or 10 and, thus, are novel and non-obvious over the cited art for at least the same reasons as discussed above for independent Claims 1 and 10. As such, the 35 U.S.C. 103(a) rejections of Claims 6 and 14 are believed to be overcome.

Accordingly, the present invention as claimed is not believed to be anticipated or made obvious by the cited or prior art. Removal of the rejections under 35 U.S.C. 102(e) and the rejections under 35 U.S.C. 103(a) and acceptance of Claims 1-20 is respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all claims (Claims 1-20) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 9/25/07